



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

DEC 08 2015

Tony Oakes, Plant Manager
Bemis Performance Packaging, Inc.
5 Keystone Drive
Lebanon, PA 17042

**Re: Notice of Violation
Compliance Evaluation Inspection
July 16, 2015
EPA ID No. – PAD000013987**

**Docket Number: R3-15-NOV-RCRA-041
Amendment #1**

Dear Mr. Oakes,

On July 16, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of your facility under the Pennsylvania Solid Waste Management Act ("SWMA"), as amended, 35 P.S. §§6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended 42 U.S.C. Sections 6901 et seq. Based on the inspection and/or review of pertinent information, EPA has determined that Bemis Performance Packaging, Inc. ("Bemis" or "the Facility") violated regulations promulgated under RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV") Amendment #1**. The specific violations are as follows:

1. The inspector observed two (2) 55-gallon hazardous waste drums in the 90-day Hazardous Waste Accumulation Area ("HWAA") that did not have start accumulation dates on them. According to 25 PA 262a [40 CFR 262.34(a)(2)], the date upon which accumulation begins must be clearly marked and visible for inspection on each hazardous waste container.
2. The inspector observed one (1) 55-gallon hazardous waste drum in the 90-day HWAA that was not labeled in accordance to regulation. 25 PA 262a [40 CFR 262.34(a)(3)] requires that each container is marked clearly with the words, "Hazardous Waste."



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3. The inspector observed a failure to properly manage solvent contaminated rags. At the time of the inspection, used rags were being stored in nylon bags that were not labeled. According to 25 PA 261a [40 CFR 261.4(26)], used solvent rags must be: (i) kept in a closed, non-leaking container that is labeled "Excluded Solvent-Contaminated Wipes"; (ii) stored in a container that is able to contain any free liquids that may occur; and (iii) only accumulated for 180 days or less.
4. The inspector observed universal waste battery containers that were not labeled properly. At the time of the inspection, universal waste battery containers were labeled with type of battery (i.e. lithium), but there was indication that the batteries were used. According to 25 PA 266b [40 CFR 273.14(a)], universal waste batteries must be in containers labeled with any of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."
5. The inspector observed universal waste battery containers with accumulation dates that exceeded the accumulation time limit. At the time of the inspection, the universal waste battery containers were marked with dates ranging from 12-11-2013 to 2-12-2014. According to 25 PA 266b [40 CFR 273.15(a)], a small quantity handler of universal waste may accumulate universal waste for no longer than one year.
6. The inspector observed an incomplete contingency plan. At the time of the inspection, the Facility had a contingency plan in place that did not include the home address of the designated Emergency Coordinator. According to 25 PA 265a [40 CFR 265 Subpart D], a contingency plan must list a home address for at least the primary Emergency Coordinator.
7. The inspector observed a solvent reclamation process at the Facility. According to 25 PA 261a.1 [40 CFR 261.4(a)(23)], a hazardous secondary material generated and reclaimed under the control of the generator is not a solid waste provided that the Facility provides required notification as stated in 25 PA 260a.1 in reference to [40 CFR 260.42]. The Facility failed to notify the EPA of its solid waste exclusion

Based on this violation, EPA is requesting that **within 15 calendar days from receipt of this NOV** a representative from Bemis provides a response to address violation number seven (7) documented above. Please provide any necessary documentation to ensure EPA that the Facility has notified or attempted to notify the EPA or state of its solid waste reclamation exclusion.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated or is in violation of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in the NOV may be treated as a repeated offense and can constitute a "knowing" violation of Federal Law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance.

As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights of defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not Atlas is covered by SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Rebecca Serfass
U.S. Environmental Protection Agency – Region III
RCRA Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, PA 19103
Serfass.Rebecca@epa.gov
(p): 215-814-2047



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Date: Dec 7, 2015

Enclosure

cc: M. Gross, PADEP, w/o enc.
P. Belgiovane, 3LC70, w/o enc.
R. Serfass, 3LC70, w/o enc.